

34. Subsection (a) of Section 43-66 shall be inapplicable.

35. Section 43-67 shall be inapplicable.

36. Section 43-78 shall be modified to read as follows:

"Sec. 43-78. COMPLIANCE REQUIRED; CERTIFICATION.

No subdivision of land shall be approved without the subdivider submitting a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of this Plan Description, of all ordinances of the City as modified by this Plan Description and of Article V of the Subdivision Control Ordinance as modified by this Plan Description."

37. Subsection (e) of Section 43-79 shall be modified to read as follows:

"(e) When required by the City Engineer storm sewers shall be constructed throughout the entire subdivision, which shall be separate and independent of the sanitary sewer system and which shall provide an adequate outlet or connection with the storm sewer system of the City or a stream or drainage course. The storm sewer system shall be designed by the rational method, to accept the runoff from a storm with

a five-year return frequency on the fully developed site. Storm water inlets shall be constructed in the pavement curbs and gutters to drain the pavement at intervals not to exceed six hundred feet; provided, that where standard engineering practices, as recommended by the City Engineer, would require a shorter interval between storm water inlets, such inlets shall be constructed at such shorter intervals which shall not be less than three hundred feet except at intersections. The total storm system may be a combination of open and closed conduits or channels. No storm sewer shall be connected to any sanitary sewer of the Aurora Sanitary District. When storm sewers are not installed, adequate facilities, as recommended by the City Engineer, for the removal of surface water shall be provided throughout the entire subdivision."

38. Section 43-80 shall be modified to read as follows:

"Sec. 43-80. WATER SUPPLY.

Water mains to furnish City water to each and every lot within the subdivision shall be constructed in accordance with the applicable ordinances of the City."

39. Subsection (a) of Section 43-81 shall be modified to read as follows:

"(a) Roadways of collector and residential streets shall have a surface consisting of one of the following materials as selected

by the subdivider's design engineers: non-reinforced Portland cement concrete pavement having a minimum thickness of six inches or a gravel or crushed stone base course Type B having a minimum compacted thickness of eight inches on residential streets and ten inches on collector streets, or structurally equivalent base material of appropriate thickness with a two inch Bituminous Concrete surface course, Sub-class B-5."

40. Subsection (d) of Section 43-81 shall be modified to read as follows:

"(d) All streets shall be improved with roadways bounded by non-reinforced Portland cement concrete curbs and gutters in accordance with specifications established by the City and approved by the City Engineer. Eighteen-inch wide roll type curbs and gutters shall be permitted on collector and residential streets. Where non-reinforced Portland cement concrete pavement is constructed, curbs may be constructed monolithic with the pavement."

41. Subsection (f) of Section 43-81 shall be modified to read as follows:

"(f) Street improvements shall be in accordance with the Table of Minimum Standards in Section 43-59 as modified by this Plan Description."

42. Section 43-84 shall be modified to read as follows:

"Sec. 43-84. SIDEWALKS.

Public sidewalks shall be constructed to a width of not less than five feet and shall be installed on both sides of publicly dedicated streets; provided, that with the approval of the City Council, public sidewalks may be installed on only one side of a publicly dedicated street if (1) adequate public pedestrian walkways are located on the property on the other side of such street, or (2) sidewalks on the other side of such street are inappropriate or unnecessary on both sides of such street because of the nature of the land use planned for the affected area. The construction of sidewalks may be deferred until such time as the development of the property adjacent to such sidewalks has been completed, and acceptance and dedication of other improvements may take place prior to the construction of such sidewalks; provided, that for reasons of public safety the City Engineer may in such cases require the subdivider to provide temporary walkways pending the construction of sidewalks. The specifications for such temporary walkways shall be subject to the approval of the City Engineer. Public sidewalks shall be constructed of

Portland cement concrete having a minimum thickness of four inches or equivalent material approved by the City Engineer. Unless otherwise approved by the City Council, all public sidewalks shall be located within the street right-of-way, one foot inside the right-of-way line. All City Council approvals provided for in this Section 43-84 may be given as part of the approval of a Preliminary or Final Plan."

43. Section 43-87 shall be modified to read as follows:

"Sec. 43-87. INSPECTION OF IMPROVEMENTS.

The subdivider shall be obligated to pay the City for the City's actual costs incurred in connection with the review of plans and specifications for all public improvements installed pursuant to Subsections (a)(1), (a)(2) or (a)(3) of Section 43-47 of the Subdivision Control Ordinance, as modified by this Plan Description. All such public improvements shall, at the subdivider's expense, be layed-out in the field prior to the commencement of construction and shall be inspected during the course of construction by a professional engineering firm retained by the subdivider, and copies of reports of such firm shall be made available

to the City Engineer without cost to the City. Routine inspections of such public improvements by the City during the course of and upon completion of construction will be made without cost to the subdivider, but the subdivider shall be obligated to pay the City for the City's actual costs of special inspections of such public improvements occasioned by defective work or work practices. Upon completion of construction of such public improvements, the subdivider shall supply the City with 'as built' drawings of such public improvements, which drawings shall, at the subdivider's expense, be certified by the professional engineering firm which performed the inspection services referred to above."

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section V

General Provisions Relating to the Proposed District

A. Sanitary Sewer Service to the District.

The developers of the District propose annexation of the District to the Aurora Sanitary District. The proposed sewer service system described below has been planned jointly by the developers of the District and the Aurora Sanitary District. By describing the proposed sewer service system in this Plan Description the developers of the District do not assume responsibility for financing the proposed system. The developers of the District and the Trustees of the Aurora Sanitary District are jointly exploring methods by which such financing may be accomplished.

The sanitary outfall sewer systems serving Regions I and II will consist of a gravity sewer running south-westerly along the Waubansee Creek from the approximate intersection of Farnsworth Avenue and Waubansee Creek to a pumping station to be built in the south half of Section 9, Oswego Township, Kendall County. The pumping station will be connected to the Aurora Sanitary District's treatment plant on the Fox River in Montgomery, Illinois by a force main sewer.

That portion of Regions I and II lying in general between Aurora Road and Oswego Road will be served by a trunk sewer connected to the above mentioned outfall sewer and running northeasterly along the Waubansee Creek to its intersection with the Elgin, Joliet & Eastern Railway Company right-of-way, thence northerly adjacent to and parallel with said right-of-way to the north line of Section 29, Naperville Township, DuPage County, thence easterly adjacent to and parallel with said line and said line extended east to its intersection with the east line of the west half of the west half of Section 21 in the Township and County aforesaid, thence northerly adjacent to and parallel with said line to its intersection with the southerly right-of-way line of Aurora Road.

Sanitary trunk sewers for the southern part of Region II will consist of a sewer connected to the proposed Aurora Sanitary District trunk sewer described above as following Waubansee Creek at a point in the southwest quarter of Section 36, Township 38 North, Range 8 East, and running generally southeasterly from that connection point to the right-of-way of 87th Street extended, thence easterly along the existing and extended 87th Street right-of-way to the approximate intersection of 87th Street and the north-south centerline of Section 31 in Naperville Township, DuPage County, thence northerly along the approximate centerline of Section 31 to the 83rd Street right-of-way, thence easterly along the 83rd Street right-of-way to its intersection with the centerline of Section 33, Naperville Township, DuPage County.

The sanitary trunk sewer system to serve the northern part of Region II will consist of a gravity trunk sewer connected at some point in the northeast quarter of Section 30 to the trunk sewer described earlier and which runs northeasterly adjacent to the Waubansee Creek. This gravity trunk sewer to serve the northern part of Region II will be constructed in a northerly direction adjacent to or within the corridor of the proposed Fox Valley Freeway and will terminate at approximately the intersection of said corridor and Molitor Road.

Manholes will be located in accordance with the Aurora Sanitary District's design standards and at key connection points. Trunk sewers will be sized to accommodate the estimated future sewer requirements of the area.

Any change in the above described sewer service system which receives the approval of the Aurora Sanitary District shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance, and shall not require the approval of the City Council. The Department of City Planning shall be notified of any change in the above-described sewer service system.

B. Water Service to the District.

The proposed water distribution facilities described below have been planned jointly by the developers

of the District and the City Water Department. By describing the proposed water distribution facilities in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed facilities. The developers of the District and the City are jointly exploring methods by which such financing may be accomplished.

The primary water distribution facilities for Region I and the central part of Region II will consist of a water main, approximately twenty inches in diameter connecting to the existing City of Aurora water system at two points in the vicinity of Hill Avenue and Fifth Avenue. The twenty-inch water main will extend easterly along Fifth Avenue to Vaughn Road, thence easterly along the east-west centerline of Section 30, Naperville Township, DuPage County to its intersection with the Waubansee Creek; thence northeasterly adjacent to the Waubansee Creek alignment to the west side of the Commonwealth Edison Company right-of-way; thence northerly, approximately sixteen inches in diameter, adjacent to and parallel with said right-of-way line to the north line of Section 29, Naperville Township, DuPage County; thence easterly adjacent to and parallel with said north line and said north line extended east to its intersection with the east line of the west one-half of the west one-half of Section 21 in the Township and County aforesaid; thence southerly and generally paralleling said east line to its intersection with the northerly right-of-way line of Oswego (Illinois Route Number 34).

At the intersection of the Waubansee Creek and the westerly right-of-way line of the Commonwealth Edison Company right-of-way, a two-million-gallon ground storage facility and high pressure pumping station will be constructed. A deep well with a capacity of one thousand gallons per minute will be drilled at the location of the ground storage pumping facility, discharging to said facility with the necessary pumping and chlorination equipment located adjacent to the well.

Water mains designed to supply water to the High Pressure Zone will run from this pumping station northerly adjacent to and parallel with said right-of-way line to the north line of Section 29, Naperville Township, DuPage County; thence easterly adjacent to and parallel with said north line and said north line extended to its intersection with the east line of the west one-half of the west one-half of Section 21 in the Township and County aforesaid. The water main will be approximately twenty inches in diameter from the pumping station to the intersection of the proposed main with the approximate easterly right-of-way line of the Elgin, Joliet & Eastern Railway Company, from which point the easterly extension of said water main will be approximately twelve inches in diameter.

Water distribution facilities for the southeast part of Region II will consist of an extension south from the proposed water main located on the west side of the

Commonwealth Edison Company right-of-way, following that right-of-way line and terminating at a proposed elevated storage tank with a minimum capacity of seven hundred and fifty thousand gallons located in the vicinity of the Elgin, Joliet & Eastern Railway Company right-of-way and 83rd Street. This tank will be further connected to the system through a trunk main running east along 83rd Street to the north-south centerline of Sections 33 and 28, thence north along said centerline across the 75th Street right-of-way and extending northerly to a connection with a previously described water main at the approximate intersection of Oswego Road with the east line of the west one-half of the west one-half of Section 21, Naperville Township, DuPage County; and by a trunk main running west along 83rd Street to the DuPage-Kane County Line, thence north along said county line to the above mentioned trunk main to be extended along Fifth Avenue.

Water distribution facilities for the northern part of Region II will consist of a proposed water main connected to the existing City water system at Reckinger, east of Farnsworth, thence south on Felton Road to Shefler Avenue, thence eastward along Shefler Avenue and Shefler Avenue extended to Eola Road, thence south along Eola Road to State Route 65, thence east on the south side of State Route 65 to the east right-of-way of the Elgin, Joliet & Eastern Railway Company and then south adjacent to said right-of-way to the High Pressure Zone trunk water main

described as following the north line of Section 29, Naperville Township, DuPage County. Additionally, a water transmission main approximately sixteen inches in diameter will be constructed easterly on the south side of State Route 65, from the east right-of-way of the Elgin, Joliet & Eastern Railway Company to the intersection of State Route 65 with the East line of the west one-half of the west one-half of Section 21, Naperville Township, DuPage County.

A further connection to the existing City water system will be provided by a proposed water main from the intersection of Molitor Road and Felton Road extended, easterly on Molitor Road to Eola Road, thence south along Eola Road to make a connection with the main described above.

Any change in the above described water distribution facilities which receives the approval of the City Water Department shall be deemed a reasonable variation from this Plan Description for the purposes of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

C. District Storm Water Retention and Disposal Systems.

The proposed storm water retention and disposal systems described below are being planned jointly by the

developers of the District and the City. By describing the proposed storm water retention and disposal systems in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed systems. The developers of the District are exploring methods by which such financing may be accomplished.

1. Waubansee Creek Storm Retention and Disposal Facilities. Storm water retention facilities will be developed within the Waubansee Creek watershed. The facilities will have the capacity to retain storm runoff resulting from a storm with a twenty-five-year return frequency from a fully developed site with a discharge restricted to 0.15 inches per hour per acre from the same contributing area. Additionally, the facilities will have the capacity to retain storm runoff resulting from a storm with a one-hundred-year return frequency from a fully developed site with a discharge restricted to 0.2 inches per hour per acre from the same contributing area.

The allowable discharge from the upstream watershed will bypass or be in addition to the discharge from the proposed storm water retention facilities.

Between storm water retention facilities a conduit or improved channel with an adjacent floodway will be provided with capacity to convey a maximum runoff equivalent to 0.2 inches per hour per acre from the site and from the upstream watershed.

2. Indian Creek Tributary Storm Retention and Disposal Facilities. Storm water retention facilities will be provided having a capacity to retain storm water runoff resulting from a storm with a twenty-five-year return frequency from the fully developed site with a discharge restricted to 0.15 inches per hour per acre from the same contributing area. Additionally, the facilities will have the capacity to retain storm runoff resulting from a storm with a one-hundred-year return frequency from a fully developed site with a discharge restricted to 0.2 inches per hour per acre from the same contributing area.

The allowable discharge from the upstream watershed will bypass or be in addition to the discharge from the proposed storm retention facilities.

Between storm water retention facilities a conduit or improved channel with an adjacent floodway will be provided with capacity to convey a maximum runoff equivalent to 0.2 inches per hour per acre from the site and the upstream watershed.

3. Variations. Any change in the above described storm water disposal system which receives the approval of the City Engineer shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

D. Highways and Roads.

1. General. The following is an outline of the structure and general configuration of the major roadway network which will serve the District and the area surrounding it. It has been planned by the developers of the District after consultation with the State and County Highway Departments, the City Engineer and the Director of City Planning. The primary transportation system elements described herein are intended to serve as the basis for further detailed planning and design by the developers and their traffic consultants, working in close coordination with public transportation planning agencies at the City, County, State, and Federal levels. The portions of the major roadway network described herein which are outside the District are included only to illustrate what the developers of the district believe to be desirable road and highway planning, and it shall not be a condition to the right of the developers of the District to develop the District in accordance with this Plan Description that such portions of the major roadway network are completed in the manner described herein. By describing the proposed major roadway network in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed network. The developers of the District, representatives of the State and County Highway Departments and the City are jointly exploring methods by which such financing may be accomplished.

The primary objectives of the transportation system are:

a. To provide for sufficient system-wide traffic capacity moving to, from and through the two Regions of the District.

b. To provide sufficient internal roadway capacity to meet the access and circulation requirements of development-related traffic moving within the Regions.

c. To interconnect the Regions with primary regional major arterials and expressways.

d. To create a transportation facilities infrastructure which will support and serve proposed land uses within the two Regions and in the surrounding areas.

e. To form the basis for application of new transportation systems and technologies at a future time, as such new systems are developed and demonstrated to be feasible and desirable.

The staging of street and highway improvements within the two Regions will be coordinated so as to provide

roadway capacities to meet travel needs which will exist at future dates. Since development within the Regions will be scheduled over a relatively long (twenty-year) period, selected improvements may be accomplished in stages and be designed to both meet then-current needs and to complete linkages which will be required by new development and which will support the final transportation system.

Street and highway improvements are contemplated to fall within one or more of the following categories:

a. New construction of roads along existing or newly acquired rights-of-way, including arterial and collector streets as well as local access streets serving newly developed land uses.

b. Improvements of existing roads, including widening, resurfacing, providing controlled access, and realignment of some sections of roadway to complete required linkages.

c. Localized improvements, including installation of traffic control devices, intersection approach widening and channelization, and access control at critical points.

The major elements of the proposed transportation network are described in the following Subsections of this

Subsection D. The proposed alignments will be fixed after completion of detailed traffic engineering studies and in coordination with appropriate transportation planning activities of City, County, State and Federal agencies.

2. Highway and Roads Network. The principal elements of the proposed District-Wide Transportation System are intended to form a grid network of primary and secondary arterial roads, which will link the District with adjacent regional arterials and expressways. Specific elements are described below:

a. North-South Linkages:

(1) Illinois Route 59 is planned for improvement by the construction of additional traffic lanes and the improvement of major intersections to increase both their through-movement and turning-movement capacities. These improvements should extend from 75th Street north to the East-West Tollway.

(2) A new north-south arterial is planned for construction along an alignment west of Illinois Route 59 and east of the Elgin, Joliet & Eastern Railway Company right-of-way. This new roadway should

extend from 87th Street north to Butterfield Road.

(3) The Fox Valley Freeway is proposed to extend from an interchange with the East-West Tollway, approximately midway between the Farnsworth Avenue interchange and the Eola Road crossing, south along an alignment generally parallel to and west of the Elgin, Joliet & Eastern Railway Company right-of-way, to a point south of Region II at 95th Street, then south and east to the Stevenson Expressway (Interstate Route 55).

(4) Kautz Road is planned for major improvement to an arterial constructed along the DuPage-Kane County line from 87th Street to Molitor Road.

(5) Vaughn Road is planned for improvement to an arterial road constructed from Molitor Road to 87th Street.

(6) Eola Road is planned for improvement to an arterial from Butterfield Road to 87th Street.

b. East-West Linkages:

(1) North Aurora Road is planned for improvement to arterial standards and connected from the vicinity of its intersection with Ogden Avenue (U. S. Route 34) generally west along the alignment of North Aurora Road to an intersection with Indian Trail Road at Farnsworth Avenue in Aurora.

(2) Liberty Road (Claim Street) is planned for improvement to arterial standards from Route 34 in Naperville to Farnsworth Avenue in Aurora.

(3) Aurora Avenue is planned for improvement to arterial, or at-grade expressway standards, between Naperville and Farnsworth Avenue in Aurora.

(4) A new east-west arterial is planned for construction through the District, approximately two thousand feet south of Aurora Avenue from U. S. Route 34 on the east to connect into the existing street system of the City of Aurora.

(5) 75th Street is planned for improvement to at-grade expressway standards between Naperville and its intersection with Route 34.

(6) Route 34 is planned for improvement to arterial standards from 75th Street to by-pass Route 30.

(7) 83rd Street is planned for improvement to an arterial from Route 59 to Montgomery Road extended.

(8) 87th Street is planned for improvement and construction to arterial standards between Route 59 and Route 34.

3. Variations. Any change in the above described plans for highways and roads which receives the approval of the City Engineer shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

E. Time Limitations for Submission of Preliminary
and Final Plans.

Within twelve months after the approval date Preliminary Plans for not less than forty acres of the District (hereinafter called the "Required First Preliminary Plans") shall be submitted for approval. Final Plans for not less than forty acres of the area covered by the Required First Preliminary Plans (hereinafter called "Required First Final Plans") shall be submitted for approval within three years after approval by the City Council of the Required First Preliminary Plans. Preliminary Plans for development phases of the District not included in the Required First Preliminary Plans may be submitted for approval from time to time after the approval date within the fifteen-year period following the approval date. Final Plans for development phases of the District not included in the Required First Final Plans may be submitted for approval from time to time after the approval date within the eighteen-year period following the approval date.

The developer may, with respect to any area of the District, without having obtained approval of a Preliminary Plan covering such area, submit for approval, in accordance with the procedures prescribed in Subsection 14.7-12 of the Zoning Ordinance and within the time

period prescribed for submission of a Preliminary Plan for such area, one or more Final Plans for such area.

On the approval date the developers of the District will have entered into certain agreements with the City which will obligate the City to install and construct certain water facilities in the District on or before certain dates as specified in such agreements. After the approval date the developers of the District contemplate entering into an agreement with the Aurora Sanitary District which will obligate the Aurora Sanitary District to install and construct certain sewerage facilities in the District on or before certain dates as specified in such agreement. By approving the application for establishment of the District, the City agrees that any delays in constructing and installing such water facilities or sewerage facilities in accordance with such specified dates will, to the extent of such delays, be recognized as proper grounds for granting (in accordance with the procedures prescribed in Subsections 14.7-8 and 17.7-11 of the Zoning Ordinance) extensions to the time periods for submission of Preliminary Plans and Final Plans covering all of the District.

F. Deletion of Land from the Proposed District.

At any time prior to the approval date the developers shall have the right to delete one or more

parcels of land from the District as proposed in the Plan Description originally filed with the application for establishment of the District and to amend the legal description of the District and the maps showing boundaries of the District to reflect such deletions; provided, that (i) not more than ten percent of the acreage of the District as described in the Plan Description as originally filed may be so deleted, and (ii) no such deletion may be made which would affect the contiguity of the property in the District as required by Subsection 14.7-2 of the Zoning Ordinance.

G. Consent of Owners.

The application for establishment of the District has been made by Urban Investment and Development Co., a Delaware corporation, acting as agent for the owners of all of the land in the District. Prior to the approval date, this Plan Description shall be made part of an Annexation Agreement executed by the owners of record of all of the land in the District. Such Annexation Agreement shall contain a provision by which said owners of record consent to the establishment of the District in accordance with the terms of this Plan Description.

H. Obligation to Develop.

With respect to each parcel of land in the District included in a Final Plan approved by the City

Council pursuant to Subsection 14.7 of the Zoning Ordinance, the obligation to develop said parcel in accordance with the provisions of such approved Final Plan, and the obligation to make the improvements and land reservations and dedications with respect to such parcel provided for in such approved Final Plan shall be solely a requirement of the development of such parcel of land in accordance with the provisions of such Final Plan, and no obligation with respect thereto shall attach to other land in the District.

I. Land Use Plans.

1. Submission of Land Use Plan Included in Plan Description. There is included in Part Three of this Plan Description as map number VI a land use plan for the District which sets forth the present plans of the developers of the District with respect to the future development of the District into the three types of land use Areas described in Subsections A., B. and C. of Section II hereof and the location of such land use Areas in the District.

2. Submission of Updated Land Use Plans.

a. Submission with Preliminary Plans. At any time and from time to time when a Preliminary Plan for a development phase of a Region of the

District is submitted for approval, it shall be an obligation of the developer of such development phase to cause the developers of such Region to prepare and submit to the City with such Preliminary Plan an updated land use plan for those areas in the Region for which Preliminary Plans shall not then have been submitted for approval.

b. Submission by Developers. At any time and from time to time any one or more developers of each Region of the District may prepare and submit to the City an updated land use plan for any area in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plan shall meet the requirements of this Subsection V I.

c. Annual Submissions. When no updated land use plan for the District shall have been prepared for one year, the developers of each Region of the District shall, unless the City waives such obligation, prepare and submit to the City a land use plan for those areas in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plans shall meet the requirements of this Subsection V I.

3. Land Use Plans to Reflect Developers' Best Intentions. The land use plan included in Part Three of

this Plan Description, and each updated land use plan subsequently prepared and submitted in accordance with this Subsection V I. shall, as of its date, reflect the best intentions of the developers of the District with respect to the future development of the District into land use Areas and the location of such land use Areas in the District.

4. Changes in Land Use Plans Requiring City Council Approval. Changes in the land use plan included in Part Three of this Plan Description or in any updated land use plan prepared and submitted in accordance with this Subsection V I. which involve the relocation of a land use Area in the District or the establishment of a new land use Area in the District shall require the approval of the City Council, which approval may be obtained in accordance with the procedures set forth in Subsection A.9. of Section III hereof; provided, that the following changes in any such land use plan shall not require the approval of the City Council:

a. The establishment or relocation of one or more neighborhood shopping center Business Areas each of which contains no more than fifteen acres or the establishment or relocation of no more than three Business Areas each of which contains no more than twenty-five acres; and

b. The enlargement of a land use Area,
into property contiguous to such land use Area

prior to such enlargement, the contraction of a land use Area, or the elimination of a land use Area; provided that a neighborhood shopping center Business Area or a Business Area containing no more than twenty-five acres established or relocated pursuant to Subsection 4.a. of this Subsection V I. may not, without the approval of the City Council, be enlarged to a size greater than fifteen acres or twenty-five acres respectively; and, provided further, that properties separated by highways, streets, public ways or railroad or public utility rights-of-way shall be deemed contiguous for the purpose of this Subsection V I.4.b.; and

c. Any changes in any such land use plan involving land designated for open space, park, recreation or school site purposes; and

d. Any changes in such land use plan which are deemed necessary or desirable by the developers of those areas of a Region of the District for which Preliminary Plans shall not have been submitted for approval because of any of the following events and which are reasonably attributable to such event or events:

(1) A change in the zoning classification of property adjacent to but outside the boundaries of the District, unless such property is

owned or controlled by a developer of the District and such change in zoning shall have been made with such developer's consent or approval; or

(2) A change in the location of the Fox Valley Freeway or other new arterial roads described in Subsection D. of this Section V as shown on the land use plan included in Part Three of this Plan Description or on any updated land use plan prepared and submitted in accordance with this Subsection V I., provided, that a substantial change or substantial changes in such land use plan occasioned by the abandonment of plans for the Fox Valley Freeway shall require approval of the City Council unless such change or changes are otherwise permitted to be made without City Council approval pursuant to the provisions of this Subsection I.; or

(3) The future location or elimination of major public transportation facilities or routes designed, in whole or in part, to serve the District; or

(4) The enactment of any municipal, state or federal ordinance